

CITY OF NEWPORT
DOCKET OF THE COUNCIL MEETING
DECEMBER 11, 2013

(Revised Dec. 6, 2013)

The following items of business, filed with the City Clerk under the Rules of the Council, will come before the Council at its regular meeting to be held on December 11, 2013, at 6:30 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

CITIZEN'S FORUM: (Speakers must sign in with the City Clerk). The Citizen's Forum period shall be no longer than fifteen minutes and citizens may address the Council on **one subject only and for no longer than three minutes**. Issues to be discussed shall not include matters to be considered or discussed as part of the regular council agenda and must be related to substantive city business. No comments regarding personnel or job performance are allowed.

**PROCLAMATION RECOGNIZING THE
250TH ANNIVERSARY OF TOURO SYNAGOGUE**

1. **CONSENT CALENDAR.** (THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)
 - a. Minutes of the November 13, 2013, Council Meeting (Approve)
 - b. Special Event Licenses:
 - 1) Trinity Church, d/b/a Artisan Holiday Show; Honeyman Hall, Mill St., December 14, 2013, from 10:00 a.m. to 4:00 p.m.

It is the practice of the Council to meet at 6:20 p.m. in the second-floor Conference Room to discuss docket items. The public is invited to attend. The docket, along with all supporting documents, can be viewed on the City of Newport website: www.cityofnewport.com – "Docket" (left side of homepage). Council Meetings can be viewed on Cox Cable, Channel 18; check local listings for dates and times. A DVD of the Council Meeting will be available at the Newport Public Library within 48 hours of the meeting.

LIVE VIDEO CONFERENCING OF COUNCIL MEETINGS AND WORKSHOPS WILL BE MADE AVAILABLE AT THE NEWPORT POLICE STATION, WHICH IS ACCESSIBLE AND MEETS ADA REQUIREMENTS, **BASED UPON NOTIFICATION TO THE CITY CLERK'S (845-5351) OR CITY MANAGER'S OFFICE (845-5429) A MINIMUM OF 48 HOURS IN ADVANCE OF THE MEETING.** INDIVIDUALS REQUIRING INTERPRETER OR OTHER ACCOMMODATIONS MUST NOTIFY THE CITY MANAGER'S OFFICE ONE WEEK IN ADVANCE OF THE MEETING.

- 2) Newport Lions Club, d/b/a Newport Lions Club Presents The 2014 Rockwell Amusements Family Carnival; Easton's Beach East Parking Lot, 175 Memorial Blvd., May 7 and 8, from 6:00 p.m. to 10:00 p.m.; May 9, from 3:00 p.m. to 11:00 p.m.; May 10 and 11, from Noon to 11:00 p.m.
- 3) Newport Festivals Foundation, Inc., d/b/a 2014 Newport Folk Festival; Fort Adams State Park:
 - July 25, from 1:00 p.m. to 7:30 p.m.
 - July 26 and 27, from 11:00 a.m. to 7:30 p.m.
- 4) Newport Festivals Foundation, Inc., d/b/a 2014 Newport Jazz Festival; Fort Adams State Park:
 - August 1, from 11:30 a.m. to 6:00 p.m.

Letter from Jill Davidson, Festival Director, asking permission for the Friday, Aug. 1, concert as part of the 60th anniversary of the Newport Jazz Festival. (Approve)
 - August 2 and 3, from 10:30 a.m. to 7:00 p.m.
- c. Arcade License, Renewal, Ryan Family Amusements, Inc., 268 Thames St. (47 games)
- d. Mechanical Amusement Devices, Ryan Family Amusements, Inc.; Hyatt Regency Hotel, 1 Goat Island (13 games)
- e. Mechanical Amusement Devices, Newport Music Co. (72 games at 23 locations)
- f. Mechanical Amusement Device (1), Friendly Sons of Newport, 3-5 Farewell St.
- g. Coin-operated Pool Tables:
 - 1) The Fastnet, Inc., 1-3 Broadway (1)
 - 2) Friendly Sons of Newport, 3-5 Farewell St. (1)
 - 3) Hillside & Cappy, Inc., 8 Memorial Blvd. (1)
 - 4) The Protective Club, 596 Thames St. (1)
 - 5) Atlas Vending, Inc., Newport Mall Laundry, 199 Connell Highway (1)

- h. Holiday Selling License, Renewal, Newport Prescription Center, Inc., 289 Broadway
- i. Resignation of Theodora Aspegren from the Historic District Commission (Receive with regret.)
- j. Resignation of Brian Gumkowski from the Bicycle & Pedestrian Advisory Commission (Receive with regret.)
- k. Resignation of Richard Barker from the Waterfront Commission (Receive with regret.)
- l. Resignation of Brian W. O’Keefe from the Waterfront Commission (Receive with regret.)
- m. City of Newport, RI, Sixth Annual Performance Report – Delivery of City Services, Year Ending June 30, 2012 (Receive)
(Available on City’s website—Departments/Finance/Finance Home Page)
- n. Actuarial Valuation Reports: (Receive)
 - 1) Police Pension System as of July 1, 2013
 - 2) Fire Pension System as of July 1, 2013(Available on City’s website—Departments/Finance/Finance Home Page)
- o. CRMC Notice for Public Comment, File No. 2013-10-026, Petition to amend CRMC Salt Pond Region Special Area Management Plan (SAMP) (Receive)
- p. CRMC Meeting Notice (December 10, 2013), Application of Harbour Realty, LLC, for Modification to a State Assent (File No. 1987-11-039) for approval of an “as built” 12’ x 20’ fixed pier; an “as built” series of floats around fixed pier and extending into the northern basin area; elimination of interior public dinghy float in corral area; final location of pump-out sewer line; reconfiguration of interior float layout; slight revision to marina location; allowance of the marina docks to be closed to the public between 8:00 p.m. and 8:00 a.m., from June 1 through the end of September. (Receive)

- q. Annual Report of the Canvassing Authority (Receive)

LICENSES & PERMITS

- 2-A. 2013-04 Annual Victualing License, Renewals (non-liquor):
 - a. Bagel Barn, Inc., d/b/a Bagel Boys, 178 Connell Highway
 - b. CMG Holding Co., LLC, d/b/a Cilantro Mexican Grill, 163 Connell Highway (includes outdoor patio) (New owners)
 - c. Duckett's, Inc., d/b/a Colonial Restaurant; Easton's Beach Rotunda, 175 Memorial Blvd.
- 2-B. **Victualing License, New, Boru Noodle, LLC, d/b/a Boru Noodle Bar, 36 Broadway**

COMMUNICATIONS & PETITIONS

- 3. Communication from Councilor Michael T. Farley, re: Clarke School Loan Default
- 4. City Manager Update: Road Resurfacing
- 5. Memorandum from the City Solicitor, re: Proposed Revisions to Chapter 5.97 of the Codified Ordinances, entitled, "Pedicab."

6. **APPOINTMENTS TO BOARDS AND COMMISSIONS**

- Appointment of Alternate Diana Sylvaria to Full Member of the Historic District Commission
- Planning Board: Reappointment of Wick Rudd
- Housing Authority:
 - a. Reappointment of Frank McCauly (Resident Commissioner)
 - b. Appointment of Peggy Henderson (Resident Commissioner)
- Zoning Board of Review:
 - a. Appointment of Alternate Don Boucher as Full Member;
 - b. Appointment of Heidi S. Blank as First Alternate
 - c. Appointment of Robert Buzard as Second Alternate
 - d. Reappointment of Rebecca McSweeney as Chair of the Zoning Board

- Appointment of 2 Council Members to the Unified High School Exploratory Committee

RESOLUTIONS

7. Schedule of 2014 Regular Council Meetings
8. Recognizing Assistant City Engineer Francis J. Marinaccio on his selection for the American Public Works Association Emerging Leaders Academy – H. Winthrop
9. Thanking the Friends of Touro Park for improving the park, and encouraging businesses, neighborhood organizations, and special interest groups to participate in the City’s “Adopt-A-Park” Program – Kate Leonard
10. Requesting a median barrier on the Pell Bridge – K. Leonard, M. Camacho, J. McLaughlin, N. Neville, M. Farley
11. Directing commencement of a civil action against Clarke School Limited Partners for default on debt to the City – M. Farley

ORDINANCES

12. Amending Chapter 12.28 of the Codified Ordinances, entitled, “Newport Harbor” (Section .073, .074 and .160) to provide that a person aggrieved by a decision of the Harbor Master shall file an appeal to the Newport Municipal Court (Second Reading)
13. Amending Chapter 12.32.010, entitled, “Closing Hours of Parks and Beaches Generally..,” Paragraph D, to provide that the Pell School Playgrounds shall be closed to the public at sunset on all days; and, on school days, only open to the public from 3:00 p.m. to sunset (First Reading)
14. Amending Title 12 of the Codified Ordinances by deleting in its entirety Chapter 12.28, entitled, “Newport Harbor,” and creating a new Chapter 12.28, entitled, “Newport Harbor” -- as recommended by the Waterfront Commission (Continued from Nov. 13, 2013; Section 12.28.040 revised to enumerate Open Channels in Newport Harbor; First Reading)

- Memorandum from the Assistant City Solicitor, re: Recommended Revisions to the Harbor Ordinance

COMMUNICATIONS FROM THE CITY MANAGER

15. Action #5210/13, re: Contract Amendment – Custom Built Triple Combination Fire Pumper (with accompanying resolution; continued from Nov. 13, 2013)
 - Memorandum from the City Manager providing additional information regarding the purchase of the fire pumper.
16. Action #5216/13, re: Bid Award for Police Vehicle Computers and Mounts (with accompanying resolution)
17. Action #5217/13, re: Bid Award for Trench and Sidewalk Restoration—Utilities Department (with accompanying resolution)
18. Action #5218, re: Roadway Excavation Regulations (with accompany resolution)
19. Action #5219/13, re: CRMC File No. 2013-05-132—Application of Ida Lewis Yacht Club for Extension of Existing Floating Dock by Four Additional Boat Slips
20. Action #5220/13, re: National Grid Petitions -- (1) Relocation of Existing Pole on Webster Street; (2) New Pole and Anchor on Green End Avenue
21. Action #5221/13, re: Request for 24-Hour Resident Parking on Harrison Lane
22. Action #5222/13, re: CRMC Adopt-An-Access Program-Rights of Way: Webster St., Narragansett Ave., Ledge Rd., and Seaview Ave.
23. Action #5223/13, re: Bid Award for the Furnishing and Installation of Inflatable Family Entertainment Equipment (with accompanying resolution)

24. Action #5224/13, re: Clark School Limited Partnership – Loan Agreement with the City of Newport

ADJOURN

Kathleen M. Silvia
City Clerk

December 4, 2013